

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

THOMAS M. KELLEY,	)	
	Plaintiff, )	
	)	
v.	)	<u>Civil Action No. 05-10596-NMG</u>
	)	
TOWN OF PLYMOUTH, et al	)	
	Defendants. )	

**JOINT MOTION FOR MEDIATION**

The Plaintiff, Thomas Kelley, and the Defendants, The Town of Plymouth, Robert J. Pomeroy, and the Plymouth Police Department, move the Court to order mediation of all of the remaining disputed claims set forth in Plaintiff's Complaint after the Court's ruling on the Defendant's Motion for Summary Judgment.

The parties request that Judge Magistrate Marianne Bowler be assigned as the mediator since she has acknowledged her availability to do so and is the assigned Judge for Trial.

The Plaintiff and Defendants believe that at the very least mediation at this time will narrow the issues for trial, if not settled. The parties are in agreement to submit this matter to Judge Magistrate Marianne Bowler for mediation.

The parties are currently scheduled for a Pretrial Conference on September 9, 2008, and request that said date be converted to a date for mediation to begin at 10: A. M. If preferred by the Court, the parties are also available on September 11, 2008, as well.

The parties request that the Pretrial Conference be continued to allow for the mediation and that the parties, having not received a pretrial order as yet, be relieved temporarily of having to prepare pretrial memos until after the mediation.

Respectfully submitted,

Plaintiff, Thomas M. Kelley  
By his attorneys

Defendant, Town of Plymouth et al,  
By its Attorneys

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